

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ERIC MARTIN MATTHEWS,

Plaintiff,

v.

WARDEN S. MA'AT,

Defendant.

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1:20-CV-371-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Eric Martin Matthews's ("Matthews") Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, (Dkt. 1), and related briefing, (Dkts. 14, 15). (R. & R., Dkt. 19). In his report and recommendation, Judge Lane recommends that the Court dismiss without prejudice Matthews's Application and deny Matthews's motions to stay the case or extend his responsive deadlines. (*Id.* at 19). Matthews timely filed objections to the report and recommendation. (Objs., Dkts. 22, 23).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Matthews timely objected to each portion of the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so, the Court overrules Matthews objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 19), is **ADOPTED IN PART**. This Court **DISMISSES WITHOUT PREJUDICE** Matthews's Application of Writ of Habeas Corpus Pursuant to 28

U.S.C. § 2241, (Dkt. 1). The Court previously resolved Matthews's Motion for Extension of Time, (Dkt. 17). (Text Order, 9/18/20). In light of that previous order and this order, the Court **MOOTS** Matthews's Motion to Stay Case, (Dkt. 12), and Motion for Extension of Time, (Dkt. 18).

The Court will enter final judgment by separate order.

SIGNED on December 2, 2020.

A handwritten signature in blue ink, appearing to read "R. Pitman", is positioned above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE